

**Hopedale
Zoning Board of Appeals
Meeting
December 9, 2020**

Chairman Steve Gallagher called the meeting to order on December 9, 2020 at 7:10 pm. Meeting was streamed live via Zoom and abutters were notified by mail. The public was invited on the posted agenda at the Town Hall and on the Town of Hopedale website. Recorded meeting can be found on the Town of Hopedale website under Meeting Videos.

Members that were present: Steve Gallagher, Chair
Nick Alexander
Sandra Biagetti
Christopher Hodgens
Lou Costanza

Secretary: Mary Arcudi

Town Administrator: Diana Schinder
Chief of Hopedale Police: Mark Giovanella
Building Inspector: Tim Aircardi
Applicant and Representation: Attorney Constant Poholek
Bob Poxon, Guerriere & Hanlon, Inc.
Jason Gauthier, ADT Security
Paul Consigli, Landowner

Abutters: Ryan Balko, Anthony Borelli, Robert Butler, Devon Grilly, Greg Rogow, Mark Jarvis, Scott Dana, Tara Chambers, Russ Bogartz, Jay Lum, Bridgid Byrne, Susan Niro, Mary Bentley, James McKenna, Mark Barnett, Jim Golden, Ricardo Lima and others without full names listed on the zoom call.

Case 04-2020 7:00 PM

The applicant, Green River Cannabis Company Inc. 30 Washington St. Attleboro, MA is seeking a Special Permit for locating and operating a non-medical retail marijuana establishment at 54 Mellen St. The property is zoned Commercial.

Attorney Constant Poholek, representing Green River Cannabis Company presented the request to operate a non-medical retail marijuana business at 54 Mellen Street. The business plan is to sell a majority of the products by appointment only which the customer would preorder online and given an arranged time for pick up. Some walk-in retail will be allowed when appointments were not scheduled.

The site plan was shown to the audience and the location of the business along with the designated parking. 27 spaces were allotted that include 4 additional spaces being added in the front. Overflow parking is available in the rear of the building.

Based on projections, they anticipate approximately 50 customers per day with preordered sales and 25 walk-ins. The hours proposed are 9:30 am – 8 pm Monday through Thursday, Friday 9:30 am to 8:30 pm, Saturday 10 am – 7 pm, and Sunday 10 am – 6 pm. On average there will be 5 customers per hour. This customer flow was based on the fact that with more

and more marijuana facilities coming on board in the area, less customers will be visiting this location and this is the capacity they can handle.

Chairman Steve Gallagher compared the customer flow based on the other cases the ZBA had heard this past October, which were much higher. The applicant stated they would turn customers away if there was an overflow of traffic and hire security or police detail to direct traffic. He also expressed concern that this street is a dead end along with the concern about exiting from Mellen Street to Route 140. This is a dangerous intersection as is. The applicant is willing to install a flashing stop sign at this intersection.

More detail was given regarding the parking spots. There are 10 spaces in front, 8 spaces to the rear in lot 2, 5 spaces along the left side and the applicant is adding 4 additional spaces in the front totaling 27. This would be for all tenants but current tenants do not use their allocated spaces.

There will be 4 to 5 employees and 2 security personnel. The customer will enter to the entryway and their ID is checked. They would then move on to the next area for preorders, which will be ready for them to pick up where their ID would be checked again. Walk-in customers will have their ID's checked and move to the retail area where their ID will be checked again before purchase is made. Security cameras will be installed by ADT along with electrified doors, panic buttons, card readers and cameras on the grounds as well. Steve Gallagher asked if the Mr. Polohek to consider operating the business on preorders only.

Police Chief Mark Giovanella included his concerns about the traffic, the location and the playground and cars exiting into direct traffic onto Route 140. There are a lot of activities involving children in this location.

Fire Chief sent a letter to the board, which also stressed the narrow street and would ask that no off street parking be allowed.

Building Inspector Tim Aircadi was also present and expressed similar concerns and requested the ZBA reexamine the Sunday hours for this residential area.

The ZBA members also expressed the same concerns regarding traffic, playground, lack of sidewalks, the customer flow expectations, and the ability to control the walk-ins. Overall, the board is willing to allow marijuana retail establishments but concerned with this location.

A petition was received by the ZBA dated October 15, 2020 in opposition to granting this special permit signed by 24 abutters to this property.

The audience was able to address the board and overwhelmingly expressed their concerns about this street is already overburdened with the current business traffic flow, increased traffic flow driving by the playground, lack of sidewalks, non-existing or poor street lighting, and the inability to control walk-in customers. Many abutters expressed that it had nothing to do with the nature of the retail establishment but the unpredictable retail traffic would be a deterrent to the neighborhood.

The public hearing section came to an end and the ZBA deliberated with the applicant regarding preorders only and future home delivery licensing.

Bob Poxon requested if the ZBA is considering restricting to preorder only, could there be a provision to re-address the board to amend the special permit to allow walk-ins in two years.

Lou Costanza made a motion to deny the special permit request of Green River Cannabis Company Inc. for locating and operating a non-medial retail marijuana establishment at 54 Mellen Street. Motion seconded by Chris Hodgens.

Before a roll call vote was taken, Chris Hodgens detailed the ZBA bylaw 10.6.d criteria.

- #1 - The detriment will not outweigh the benefit to the neighborhood.
- #2 - It has to be consistent with the town's Master Plan.
- #3 - It will not materially endanger the health or safety of the residents.
- #4 - There is sufficient off-street parking.
- #8 - It will not create undue traffic congestion or impair pedestrian safety.

After reviewing the plans provided by the applicant and listened to residents and board members, Chris Hodgens stated each of these factors weigh heavily against issuing a special permit. The burden by the applicant has not been met and the infrastructure is not there in this neighborhood to support this business.

The vote proceeded as follows”

Chris Hodgens –	yes to deny
Nick Alexander –	yes to deny
Lou Costanza–	yes to deny
Sandra Biagetti–	yes to deny
Steve Gallagher –	yes to deny

Motion passes unanimously denying the special permit.

Motion to adjourn at 8:30 pm.

Respectfully submitted,

Mary Arcudi
ZBA Secretary